

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bernard LEUNG
Serial No.: To Be Assigned
Filed: Herewith
For: **INSULATING SLEEVE**

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 12, 2003

PETITION TO MAKE SPECIAL

SIR:

In accordance with 37 C.F.R. § 1.102 and MPEP § 708.02(VIII), Applicant hereby petitions the Commissioner to make the above-identified patent application, which is being filed herewith and which has not yet received any examination, special and to grant Letters Patent on said application as soon as possible.

1. Claims

All the claims as filed in this application are directed to a single invention.

2. Search

A pre-examination search has been made by Applicant in the following field of search: classes 220, subclasses 738 and 739, and class 229, subclass 403.

3. Copies of References

A copy of each of the references deemed most closely related to the subject matter encompassed by the claims of this application, as discussed below, are being submitted to the USPTO in an Information Disclosure Statement concurrently with this application.

09/17/2003 MAHMED1 0000005 10661791

03 FC:1460 130.00 DP

4. Detailed Discussion of the References

Following is a detailed discussion of the references deemed most closely related to the subject matter encompassed by the claims of this application, which discussion particularly points out how the subject matter claimed in this application is distinguishable over the references.

U.S. Patent Application Publication No. 2003/0111475 (Cheng) discloses a horizontally oriented insulating sleeve blank with notches along the top edge. Radial portions on the holder extend past the rim and serve as fingerholds to support the container and as a splash guard to resist spillage from the container's contents. A cylindrical skirt on the holder bounds an annular space with the container for increased thermal insulation. However, this sleeve does not have a plurality of slits or cuts extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Cheng does not render the claimed invention anticipated or obvious.

U.S. Patent No. 6,343,735 (Cai) shows an insulating sleeve having first and second wing portions extending outwardly from the container side wall and spaced apart therefrom by spacer elements to form air gaps between the wing portion and the cup. However, this sleeve does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to conform to the container's conical section. Therefore, Cai does not render the claimed invention anticipated or obvious.

U.S. Patent No. 6,286,754 (Stier et al.) shows a curved blank for an insulating sleeve, the upper edge of which blank integrally carries a plurality of apertured flaps that bend 180 degrees so as to lie parallel with the main portion of the blank. When the sleeve is on a cup, the flaps are sandwiched between the outer surface of the cup and the main portion of the holder, thereby defining small, closed insulating air chambers, and spaces between the flaps also define air filled insulating channels. However, this blank does not have straight top and bottom edges and does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan

out around the circumference of the container's widened cross-section. Therefore, Stier et al. does not render the claimed invention anticipated or obvious.

U.S. Patent No. 6,152,363 (Rule, Jr.) shows a sleeve for insulating a container made from an arcuate blank, having a plurality of hot-melt glue dots and/or pieces of syntactic foam rigidly attached and individually spaced along the length and height of the inside of the sleeve so as to create insulating air gaps between the sleeve and the container. However, this sleeve is not formed from a blank with straight top and bottom edges and does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Rule, Jr. does not render the claimed invention anticipated or obvious.

U.S. Patent No. 5,857,615 (Rose) shows a container holder formed from a blank with straight, parallel top and bottom edges. A first tab is positioned at one end edge, and a second tab is positioned interiorly of the blank and adjacent to the first tab, the tabs being positioned at an acute angle with respect to one of the top and bottom edges and extending away from each other in opposite directions. A first slot is positioned adjacent the other end edge, and a second slot is positioned generally adjacent the first slot, the slots being positioned at an acute angle with respect to one of the top and bottom edges and positioned so as to receive the corresponding first and second tabs. The blank's outer surface has a texture embossed thereon so as to increase the grippability and insulating properties of the container holder. However, the blank does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Rose does not render the claimed invention anticipated or obvious.

U.S. Patent No. 5,842,633 (Nurse) shows an arcuate blank for an insulating sleeve for positioning about a cup. The sleeve has oppositely extending slots adjacent the ends of the band and tabs lying alongside the slots, the tabs projecting only part-way across the width of the band, to facilitate the setting up of the sleeve. However, this blank does not have straight top and

bottom edges and does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Nurse does not render the claimed invention anticipated or obvious.

U.S. Patent No. 5,826,786 (Dickert) shows a cup holder sleeve formed from an arcuate band with fold lines at spaced positions tapering toward each other. For storage, the opposite ends are folded at the fold lines and the overlapping side edges are glued together, such that the flat, pre-assembled sleeve can be readied for use by squeezing on the outside surfaces so as to bow out the flat-folded band into an annular tapered sleeve. However, this blank does not have straight top and bottom edges and does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Dickert does not render the claimed invention anticipated or obvious.

U.S. Patent No. 5,454,484 (Chelossi) shows the first curved blank for an insulating sleeve for positioning about a cup. Fold lines scored into the blank at spaced positions allow the blank to be folded for compact storage. The flat, pre-assembled sleeve can be squeezed on the outside surfaces so as to bow out the flat-folded band into an annular tapered sleeve. However, this blank does not have straight top and bottom edges and does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Chelossi does not render the claimed invention anticipated or obvious.

U.S. Patent No. 5,425,497 (Sorensen) shows a cup holder formed from an arcuate blank having a web at one end and a corresponding slot at the other end such that the ends interlock. The blank could have matching webs and cuts at each end of the sheet, with the cuts being perpendicular to the top of the sheet. However, this blank does not have straight top and bottom edges and does not have slits extending from the top edge at least partway across the sleeve

toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Sorensen does not render the claimed invention anticipated or obvious.

U.S. Patent No. 5,385,260 (Gatcomb) shows an insulating sleeve formed from an arcuate blank that is assembled on a cup by the user. One part of a cohesive compound carried by the cup cooperates in registry with another part of the cohesive compound carried by the sleeve to instantaneously adhere the sleeve in assembly with the cup when the sleeve is mounted on the cup by the user. However, the blank does not have straight top and bottom edges and does not have slits extending from the top edge at least partway across the sleeve toward the bottom edge that allow the sleeve to at least partially conform to the container's conical section or to fan out around the circumference of the container's widened cross-section. Therefore, Gatcomb does not render the claimed invention anticipated or obvious.

6. Fee

Enclosed herewith is a check that includes \$130 in payment of the petition fee set forth in 37 C.F.R. § 1.17(h).

Applicant hereby respectfully requests that, in view of the foregoing, the Commissioner grant "special" status to this application so that its prosecution may be expedited and so that a patent may be granted on it as soon as possible.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Morey B. Wildes
Reg. No. 36,968

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940